

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
AT JEFFERSON CITY**

DAVID PRIESENDORF,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22PT-CC00032
)	
TYSON POULTRY, INC.,)	
d/b/a)	
RIVER VALLEY ANIMAL FOODS,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

COMES NOW Defendant Tyson Poultry, Inc. (“Tyson”), by and through counsel, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, as well as Rule 81(c) of the Federal Rules of Civil Procedure, submits this Notice of Removal and states as follows:

THE REMOVED CASE

1. On March 24, 2022, Plaintiff David Priesendorf (“Plaintiff”) filed his Petition in the Circuit Court of Pettis County, Missouri. In the Petition, Plaintiff alleges one count of negligence. The claim emanates from an incident that occurred on June 26, 2018, at Defendant’s plant located in Pettis County, Missouri.

2. All process, pleadings, orders and other documents on file in the state court are attached hereto as *Exhibit A*.

TIMELINESS OF REMOVAL

3. Plaintiff served Tyson by and through its registered agent on April 19, 2022. *Exhibit A, Summons and Server’s Return*.

4. Tyson has filed this Notice of Removal within thirty (30) days of being served, making the Notice of Removal timely under 28 U.S.C. § 1446(b)(1).

BASIS FOR FEDERAL COURT ORIGINAL JURISDICTION

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (c)(1) because there is complete diversity of citizenship between the parties. Removal to this Court is proper under 28 U.S.C. § 1441(a).

6. Plaintiff's Petition seeks damages in excess of \$75,000 against Defendant, exclusive of interest and costs. *Exhibit A, Petition, "WHEREFORE" clause following Paragraph 16.*

7. Plaintiff is a resident and citizen of Missouri. *Exhibit A, Petition, Paragraph 1.*

8. Defendant Tyson is a corporation organized under the law of the State of Delaware, with its principal place of business in Arkansas.

9. Because this action is between citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs, this Court has original jurisdiction over the claims alleged in Plaintiff's Petition under 28 U.S.C. § 1332(a).

NOTICE TO STATE COURT AND TO PLAINTIFF

10. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice is being filed in the Circuit Court of Pettis County, Missouri, and provided to counsel for Plaintiff.

NO WAIVER OF DEFENSES

11. The filing of this notice of removal is expressly made subject to and without waiving any defense Tyson may have regarding Plaintiff's claims against it.

Respectfully submitted,

DYSART TAYLOR COTTER
McMONIGLE & BRUMITT, P.C.

By /s/ John F. Wilcox, Jr.
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ATTORNEYS FOR DEFENDANT
TYSON POULTRY, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of May, 2022, the above and foregoing was filed using the Court's ECF notification system, which served a copy on the parties hereto, as follows:

THE GOSS LAW FIRM, P.C.

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ATTORNEYS FOR PLAINTIFF

/s/ John F. Wilcox, Jr.

ATTORNEY FOR DEFENDANT

TYSON POULTRY, INC.